

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Sarah Johnson, as mother of MC, a minor
child,

Plaintiffs,

vs.

Peoria Unified School District; Cave
Creek Unified School District; Deer
Valley Unified School District; Debbie
Burdick; Mark Warren; Robert Miller;
Nancy Shaver; Julie Vandenberg; Sydney
Meyers; Matthew Owsley; Jennifer Purvis;
Janiene Marlow; Jana Miller; Joshua
Rawlings; Monica Clay,

Defendants.

Case No.: CV-24-03456-PHX-ROS

[PROPOSED] RULE 16
SCHEDULING ORDER

(Assigned to the Honorable Roslyn O.
Silver)

Pursuant to the terms of the Case Management Plan and the representations made
by the parties at the Rule 16 Scheduling Conference, all parties shall comply with the
deadlines established in this Order.

A. All proceedings concerning this case shall be in accordance with the Federal
Rules of Civil Procedure.

B. All Initial Disclosures as defined in FRCP 26(a)(1) shall be made no later
than **45** days after the date of the entry of this Order.

1 C. To satisfy the requirements of FRCP 26(a)(1), the parties shall file a Notice
2 of Initial Disclosure, rather than copies of the actual disclosures.

3 D. Procedural motions including Motions to Amend the Complaint or Answer,
4 and Motions to Join Additional Parties shall be filed no later than **June 16, 2025**.

5 E. The Plaintiff(s) shall disclose the identity of all persons who may be used at
6 trial to present evidence under Federal Rules of Evidence (FRE) 701, 702, 703, 704, and
7 705 no later than **January 23, 2026**. The Defendant(s) shall disclose the identity of all
8 persons who may be used at trial to present evidence under FRE 701, 702, 703, 704, or 705
9 no later than **March 13, 2026**. No deposition of any expert witness shall occur before the
10 disclosures concerning expert witnesses mandated by this Order have been made.

11 F. All discovery, including answers to interrogatories, production of
12 documents, depositions and requests to admit shall be completed by **May 5, 2026**.

13 G. The parties shall finally supplement all discovery, including material changes
14 in expert witness opinions and material disclosures, pursuant to FRCP 26(a)(3), of all
15 exhibits to be used and all witnesses to be called at trial, on or before **April 3, 2026**.

16 H. Discovery by interrogatory shall be governed by the national uniform
17 requirements set forth in FRCP 33.

18 I. Depositions shall be limited by the national uniform requirements set forth
19 in Rules 30, 31, and 32 of the FRCP.

20 J. Motions on discovery matters are prohibited. Should a discovery dispute
21 arise Counsel shall consult and make a sincere effort to resolve the matter(s). If the parties
22 cannot reach a resolution, they are directed to consult the Court's Standing Order
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1 concerning discovery disputes to ensure full compliance with the Court's discovery dispute
2 procedures, some of which are not included here. Discovery Dispute Instructions are
3 available on the District of Arizona website at www.azd.uscourts.gov / Judges' Information
4 / Orders, Forms & Procedures for the Hon. Roslyn O. Silver.
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6 K. This Order contemplates that each party will conduct discovery to permit
7 completion within the deadline. Any discovery which results in insufficient time to
8 undertake necessary additional discovery and which requires an extension of the discovery
9 deadline will be met with disfavor, will only be granted for good cause or only to prevent
10 manifest injustice pursuant to FRCP 16(b) and (e), and may result in denial of an extension,
11 exclusion of evidence, or the imposition of other serious sanctions pursuant to FRCP 37(b),
12 (c), (d).
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14 L. All dispositive motions shall be filed no later than **May 22, 2026**. Unless
15 permitted by Order of the Court, only one dispositive motion is allowed to be filed by each
16 party.
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18 M. All parties are specifically admonished that pursuant to LRCiv 7.2(i), "[i]f a
19 motion does not conform in all substantial respects with the requirements of this Rule, or
20 if the opposing party does not serve and file the required answering memoranda, or if
21 counsel for any party fails to appear at the time and place for oral argument, such non-
22 compliance may be deemed a consent to the denial or granting of the motion and the Court
23 may dispose of the motion summarily."
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25 N. The parties shall keep the Court apprised of settlement negotiations and the
26 progress of discovery. A joint letter to the Court concerning the status of settlement
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1 discussions (containing no specific settlement terms or offers) and the progress of
2 discovery shall be filed by **December 19, 2025**.

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4 O. A Joint Proposed Pretrial Order, all Motions in Limine, a Joint Statement of
5 the Case, Joint Jury Instructions, Verdict Form, and Stipulated Voir Dire Questions to be
6 added to the Court's standard Jury Questionnaire shall be lodged and filed by **August 28,**
7 **2026**. If dispositive motions have been filed, the Joint Proposed Pretrial Order and Motions
8 in Limine and other documents shall be due either on the above date or 30 days following
9 resolution of the dispositive motions, whichever is later. The content of the Joint Proposed
10 Pretrial Order is that prescribed in the Court's form of Joint Proposed Pretrial Order. [See
11 Court's website: www.azd.uscourts.gov under "Judges and Courtrooms/Orders, Forms &
12 Procedures"). Responses to Motions in Limine are due 15 days after the Motions are filed,
13 and no Replies are permitted unless specifically ordered by the Court.
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16 P. If the case will be tried to the Court, rather than to a jury, in addition to filing
17 a Joint Proposed Pretrial Order, each party shall file Proposed Findings of Fact and
18 Conclusions of Law on the same date the Joint Proposed Pretrial Order is due.
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20 Q. The attorneys who will be trying the case for each of the parties shall appear
21 at the Final Pretrial Conference that will be scheduled as promptly as possible after the
22 filing of the Joint Proposed Pretrial Order. The attorneys appearing at the conference shall
23 be prepared to address the merits of all issues raised in the Joint Proposed Pretrial Order
24 and fully briefed Motions in Limine. Unless one has already been established, the Court
25 will set a firm trial date at the Pretrial Conference, and will sign the Final Pretrial Order
26 with any additional instructions for trial preparation.
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1 R. Any other final pretrial matters required pursuant to FRCP 26(a)(3) are due
2 in accordance with this Order prior to the preparation and filing of the Joint Proposed
3 Pretrial Order.
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5 S. The parties shall email to chambers mailbox
6 (Silver_Chambers@azd.uscourts.gov) their proposed voir dire questions and statement of
7 the case for the juror questionnaire, jury instructions, and form of verdict in Microsoft
8 Office Word 2010 format, in addition to other written materials filed with the Clerk of the
9 Court.
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11 T. An Interim Rule 16 Status Conference is scheduled for
12 _____. Prior to the Interim Conference, counsel are to prepare and
13 file a Joint Status Report by _____. That Joint Status Report
14 shall indicate whether any party plans on filing a dispositive motion. If a party plans on
15 filing a dispositive motion, the party planning to do so shall include in the Joint Status
16 Report a brief overview of the planned basis for that motion. The party planning to oppose
17 the motion shall include a brief overview of why a dispositive motion would not be
18 successful.
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21 U. This Court views compliance with the provisions of this Order as critical to
22 its case management responsibilities and the responsibilities of the parties under FRCP 1.
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